

81A.530 Authorization for, procedures for, and effects of annexation of a city with population of less than 1,000 by an adjoining city with a population of 1,000 or more.

- (1) When any city with a population equal to or greater than one thousand (1,000) and a city with a population of less than one thousand (1,000) have a common boundary, and it is determined by the legislative body of the city with a population of less than one thousand (1,000) and of the adjoining city with a population equal to or greater than one thousand (1,000) that the entire area of the city with a population of less than one thousand (1,000) can be better served by the adjoining city, the entire area of the city with a population of less than one thousand (1,000) may be annexed to the adjoining city and the city once annexed shall be dissolved after the enactment of identical ordinances by each legislative body according to the provisions of this section.
- (2) The ordinances declaring the annexation shall include but not be limited to the following:
 - (a) A statement of the financial consideration, if any, between the two (2) cities regarding the area of the city being annexed and the terms of any financial arrangements;
 - (b) The resolution of any taxes or revenues from the area of the city being annexed;
 - (c) A statement of the land use or the zoning regulations that would be applicable to the area of the city being annexed if planning and zoning is in effect pursuant to KRS Chapter 100 in either city; and
 - (d) The date that the annexation of the city being annexed by the adjoining city would be effective, which shall not be more than one (1) year after the date on which the last of the identical ordinances is adopted.
- (3) In order for the annexation to be completed, either of the following procedures shall be followed and concluded:
 - (a) Prior to the effective date of the annexation of the area of the city being annexed into the adjoining city, a petition in support of the annexation, containing a number of signatures of residents in the area of the city being annexed that is not less than fifty-one percent (51%) of the number of registered voters in the area of that city, shall be submitted to the county clerk of the county in which the city being annexed is located. The county clerk shall within ten (10) working days of receipt of the petition notify each city of the validity of each signature and address on the petition; or
 - (b) An election shall be held to determine the desire of the voters in the city being annexed. An election shall be held at a regular election. The qualifications of voters and all other matters in regard to the election shall be governed by the general election laws. The question shall be submitted in substantially the following form: "Are you in favor of annexing the city of _____ into the city of _____ and dissolving the city of _____? Yes_____ No_____".
- (4) If the requisite number of signatures is verified by the county clerk as provided in

subsection (3)(a) of this section, or if a majority of the legal votes cast at the election in the city proposing to be annexed favors the annexation, the annexation shall proceed and become effective, and the city being annexed shall be dissolved at the date provided in the identical ordinances adopted by the legislative bodies of both cities upon the enactment by the legislative body of the adjoining city of an ordinance accepting the annexation of the city being annexed.

- (5) All assets of the city being annexed existing on the date of annexation shall become the property of the annexing city. Any indebtedness for which the city being annexed is liable on the date of annexation shall be assumed by the annexing city, so that after annexation the burden of taxation shall be uniform throughout the area of the two (2) cities.
- (6) The enactment of ordinances by each city shall be pursuant to KRS 83A.060.
- (7) The authority for the annexation of the city being annexed shall be exclusive of the provisions of KRS 81A.440.
- (8) In addition to other public notice requirements, the annexing city shall comply with the provisions of KRS 81A.470, but shall not be required to comply with the provisions of KRS 81A.475. The city clerk of the city being annexed shall, within sixty (60) days after the effective date of the dissolution of that city, give written notice of the dissolution and the date of the dissolution to the Secretary of State who shall properly index and file the notice and date as a permanent record in the secretary's office.
- (9) The area of the city being annexed shall assume the local option status of the city by which it is being annexed.
- (10) For the purposes of this section, the city population shall be determined by using the populations contained in the most recent federal decennial census.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 6, effective January 1, 2015. -- Amended 2001 Ky. Acts ch. 152, sec. 2, effective June 21, 2001. -- Created 1998 Ky. Acts ch. 379, sec. 1, effective July 15, 1998.